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Attorney for Defendant

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,
Plaintiff,

v.

Edmundo GONZALEZ-BARRERA,
Defendant.

Case No. 3:20-CR-505-IM-02

SUPPLEMENTAL SENTENCING
MEMORANDUM

In support of Mr. Gonzalez' contention that he should get credit for the time he served in ICE custody from October 5 through November 5, 2020, Mr. Gonzalez cites to *Zavala v. Ives*, 785 F.3d 367, 369 (9th Cir. 2015), which holds:

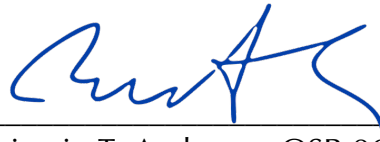
"[When] ICE detains an alien pending potential criminal prosecution, that detention constitutes 'official detention' within the meaning of § 3585(b) and the alien is accordingly entitled to credit toward his criminal sentence."

It is clear that Mr. Gonzalez was detained in this case "pending potential criminal prosecution," as he was the subject of a criminal investigation, was detained by police authorities in connection with that investigation, and was subsequently charged with the offense committed on the day he was arrested.

He should accordingly receive credit from October 5, 2020, onward.

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Respectfully submitted this 6th day of April 2023.



Benjamin T. Andersen, OSB 06256
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